

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

RUBY STREETER, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )  
                        )  
OFFICE OF DOUGLAS R. BURGESS, )  
LLC, and DOUGLAS R. BURGESS, )  
ET AL.                )  
                        )  
Defendants.          )

**CASE NUMBER: 1:07-cv-97-WKW**

**DEFENDANT DOUGLAS J. MACKINNON'S SPECIAL LIMITED APPEARANCE  
AND MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AS TO  
PLAINTIFF'S SECOND AMENDED COMPLAINT**

Pursuant to FED. R. Civ. P. Rule 12(b)(2), Defendant Douglas J. MacKinnon ("Mr. MacKinnon") appears specially by and through undersigned counsel for the limited purpose of moving this Court to dismiss the claims against him for lack of personal jurisdiction. The grounds on which Mr. MacKinnon's motion is based are set forth in his Memorandum in Support of Motion to Dismiss for Lack of Personal Jurisdiction. In addition to his Memorandum, Mr. MacKinnon also submits his Declaration in support of this motion.

Wherefore, Mr. MacKinnon respectfully requests that this Court dismiss the claims against him in their entirety for lack of personal jurisdiction.

Respectfully submitted,

s/ Fern H. Singer

Fern H. Singer

Stacey A. Davis

Attorneys for Defendant

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the above and foregoing has been served upon the following counsel of record via e-filing on this the 4th day of August, 2008:

Gary Wyatt Stout  
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s/Fern H. Singer \_\_\_\_\_  
OF COUNSEL

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RUBY STREETER,

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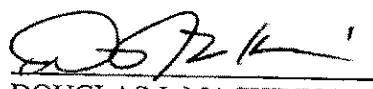
**DECLARATION OF DOUGLAS J. MACKINNON**

Pursuant to 28 U.S.C. § 1746, Douglas J. MacKinnon declares as follows on personal knowledge:

1. I have personal knowledge of the facts set forth in this Declaration.
2. I do not do business as Office of Douglas R. Burgess, LLC. I am not a member, officer or employee of Defendant Office of Douglas R. Burgess, LLC.
3. I am not a resident of the State of Alabama.
4. I do not own property in the State of Alabama.
5. I do not have any personal bank accounts in the State of Alabama.
6. I have not conducted any personal business in the State of Alabama.
7. I have not signed or negotiated any personal contracts within the State of Alabama.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on this the 20th day of May, 2008.



DOUGLAS J. MACKINNON